

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOHN CANAL,

Petitioner,

v.

**No. 06-CV-1490
(TJM/DRH)**

JOHN DONELLI,

Respondent.

Thomas J. McAvoy, Senior U.S. District Judge

DECISION & ORDER

This *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was referred to the Hon. David R. Homer, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.4.

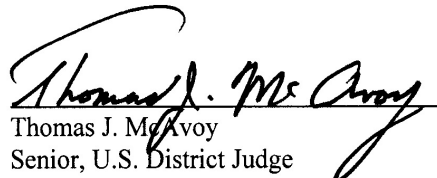
No objections to the Report-Recommendation and Order dated January 16, 2008 have been filed. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the recommendations of the Report-Recommendation and Order for the reasons stated therein.

It is therefore

ORDERED that the petition for a writ of habeas corpus is **DENIED and DISMISSED.**

IT IS SO ORDERED.

Dated: September 17, 2008


Thomas J. McAvoy
Senior, U.S. District Judge